IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 92 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BALAKDAS AMARDAS DUDHREJIA - Petitioner(s)

Versus

ASSISTANT COLLECTOR & 2 - Respondent(s)

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Appearance :

MR YOGESH S LAKHANI for Petitioner(s) : 1,
MR. ARCHNA RAWAL, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
DS AFF.NOT FILED (R) for Respondent(s) : 2 - 3.
None for Respondent(s) : 3,
NOTICE SERVED for Respondent(s) : 3.2.1

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 17/11/2005

ORAL JUDGMENT

1.In this petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the

Deputy Collector dated 2.12.1996 passed in Misc. Case No.1/96 in refusing to grant permission for electricity connection under Section 23(A) of the Bombay Rent Act.

2. This Court vide order dated 4.9.1997 admitting the present Special Civil Application, passed the following order :-

> "Rule. By way of interim relief it is ordered that the petitioner will make a fresh application before the Deputy Collector under the provisions of Section 23A of the Bombay Rent Act and the Deputy Collector will consider the same and take a fresh decision in accordance with law keeping in view the ratio of the decision of this Court dated 15.10.1996 in Special Civil Application No.4819 of 1986, expeditiously and not later than two weeks from the date of the receipt of this order. The matter to come up for hearing on 25.9.1997."

3. Shri Lakhani, learned advocate appearing on behalf of the petitioner submits that he has no instruction with regard to the latest position. Be that as it may, since 1997 the petitioner would not have been without electricity connection and pursuant to the order passed

by this Court dated 4.9.1997, the petitioner must have made a fresh application before the Deputy Collector under Section 23(A) of the Bombay Rent Act and the Deputy Collector must have taken a fresh decision as directed by this Court in its earlier order.

4. Under the circumstances, the present Special Civil Application is disposed of with a liberty to apply in case of difficulty. Rule is discharged.

(M.R.SHAH, J.)

kdc.